



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#28.

Applicant(s): Christine L. Brakel et al.

Serial No. 08/479,999

Filed: June 7, 1995

Title: MODIFIED NUCLEOTIDE
COMPOUNDS

Group Art Unit: 1803

Examiner: Gary L. Kunz, Ph.D.

PREVIOUS GROUP ART UNIT: 1803

PREVIOUS EXAMINER: Gary L. Kunz, Ph.D.

527 Madison Avenue, 9th Floor
New York, New York 10022
September 9, 1996

FILED BY EXPRESS MAIL

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Box DAC

Attention: Office of Deputy Assistant
Commissioner for Patents
2121 Crystal Drive
Crystal Park 2 - Suite 913
Arlington, Virginia 22202

**PETITION TO REVIVE
AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application which may have become unintentionally abandoned due to Applicant's failure to respond to one or both of the following notices:

1) August 8, 1995 Notice Of Incomplete Application Filed Under 37 C.F.R.
§1.60 (copy attached as Exhibit A); and

2) August 8, 1995 Notice To File Missing Parts of Application -- No Filing Date
(copy attached as Exhibit B)
DF70091 09/19/96 08479999

05-1135 070 241

625.00CH

Enz-47(C2)

IL18022 03/05/97 08479999

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	EH438873865
Deposit Date	SEPTEMBER 9, 1995
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
Ronald C. Fedus Reg. No. 32567	SEPT 9 1996 Date

05-1135 180 241

625.00CR

Christine L. Brakel et al.
Serial No. 08/479,999
Filed: June 7, 1995
Page 2 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. §1.137(b) - September 9, 1996)

A response to both Notices was originally due on September 8, 1995. Because September 8, 1996 fell on a Sunday, action may be taken on the next succeeding day which is not a Saturday, Sunday or a Federal holiday. Accordingly, this Petition is being timely filed within the provisions of 37 C.F.R. §§1.137(b) and 1.7.

Applicants wish to bring to the Commissioner's attention that it was their intention to file the subject application as a Rule 1.62 continuation. This intent is evidenced by the return postcard that was stamped received on June 7, 1995 by the Mail Room of the Patent and Trademark Office (copy attached as Exhibit C). Unfortunately, the two Notices listed above were issued by the Application Processing Division as a result of Applicants' continuation request having been inadvertently designated as a Rule 1.60 filing. In considering this Petition, it is respectfully requested that the Deputy Assistant Commissioner's Office treat the subject application as a Rule 1.62 continuation.

In accordance with 37 C.F.R. §1.37(b), Applicants are also taking action in the form of the following:

- 1) Communication In Response to August 8, 1995 Notice of Incomplete Application Filed Under 37 CFR 1.60 and August 8, 1995 Notice to File Missing Parts of Application - No Filing Date (copy of Communication attached as Exhibit D); and
- 2) Petition Under 37 C.F.R. § 1.182 (To Obtain A Filing Date for Patent Application) (copy attached as Exhibit E).

In the Communication to the two Notices (Exhibit D), Applicants have indicated to the Application Processing Division that it was their intention to file the application as a Rule 1.62 continuation. Applicants have also requested that the two August 8, 1995 Notices be withdrawn in view of the fact that this application should be treated as a Rule 1.62 continuation. In the event that any fees are due in connection with the Communication (Exhibit D), authorization has been made therein to charge the amount of any such fee or fees to Deposit Account 05-1135.

Christine L. Brakel et al.
Serial No. 08/479,999
Filed: June 7, 1995
Page 3 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. §1.137(b) - September 9, 1996)

In their Petition Under 37 C.F.R. §1.182 (Exhibit E), Applicants have requested that this application be accorded its June 7, 1995 filing date. Authorization for the \$130.00 fee in connection with the Petition (Exhibit E) is also made therein.

It is respectfully requested that this application be revived because the delay in taking action was unintentional.

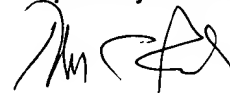
Applicants and their attorney sincerely regret any inconvenience that may have been caused to the Patent and Trademark Office by their June 7, 1995 continuation request.

The fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$605.00. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite fee of \$605.00 set forth in 37 C.F.R. §1.17(m). In the event that any other fee or fees are due in connection with this Petition or the responses being submitted herewith, authorization is also made to charge the amount of any such fee or fees to Deposit Account 05-1135, or to charge any overpayment thereto.

A duplicate copy of this Petition (but without attached Exhibit A-E) is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO THERAPEUTICS, INC.
c/o ENZO BIOCHEM, INC.
527 MADISON AVENUE, 9TH FLOOR
NEW YORK, NY 10022
TEL (212) 583-0100
FACSIMILE: (212) 583-0150

Enz-47(C2)